

SUPPORT FOR THE AMENDMENT

Support for claim 25 is found on page 3, lines 1-2 of the specification. No new matter would be added to this application by entry of this amendment.

Upon entry of this amendment, claims 20, 21 and 23-25 will now be active in this application.

REQUEST FOR RECONSIDERATION

The claimed invention is directed to a vaporization system comprising a vaporization promoting element and specific sesquiterpene alcohol compositions consisting essentially of sesquiterpene alcohols wherein the composition is of a purity having no odor above a detectable threshold. Applicants have discovered that at a purity in which impurities are not above a detectable odor, the claimed sesquiterpene alcohols provide efficacy as autonomic nerve regulating agents, suitable for vaporization.

The rejections of claims 20-22 and 24 under 35 U.S.C. § 102(b) over Surburg et al. U.S. 6,420,334 and of claim 23 under 35 U.S.C. § 103(a) in view of Zaunbrecker et al. U.S. 5,955,034 are respectfully traversed.

Applicants note that Surburg et al. was filed with the U.S. patent office on June 30, 2000 and issued as a patent on July 16, 2002. Thus, the earliest date that this reference would be available under 35 U.S.C. §102(e) would be June 30, 2000.

However, the claimed invention, claims priority as a divisional application of U.S. 09/972,887, filed on October 10, 2001, which claims priority as a continuation application of PCT JP01/00928 filed on February 9, 2001, which claims priority under 35 U.S.C. §119 to JP 2000-38260 filed on February 10, 2000. February 10, 2000 is before June 30, 2000.

In order to perfect applicants claim to priority, applicants have previously submitted a certified English language translation of JP 2000-38260. A certified copy of JP 2000-38260 was submitted to the International Bureau in PCT application No PCT/JP01/00928.

A vaporization system is generically described in paragraph [0015] describing use of the autonomic nerve regulating agent in a vaporized form and citing an electric heater as a specific vaporization promoting element. Such a description would convince those of ordinary skill in the art that applicants were in possession of a vaporization system for sesquiterpene alcohols comprising a vaporization promoting element.

The specific sesquiterpene alcohols of cedrol, cedrenol, farnesol, patchouli alcohol, eugenol, α -santalol, α -bisabolol, β -caryophyllene alcohol, vetiverol, sclareol, geranyl linalool, isophytol, nerolidol, globulol and guaial are described in paragraph [0011]].

The use of compounds which are substantially odorless is described at paragraph[0008] and specific use of cedrol because it is odorless is described at paragraph [0011]. Such a description is sufficient to describe to those of ordinary skill in the art that applicants were in possession of a sesquiterpene alcohol containing composition which is of a purity having no odor above a detectable threshold. In particular since paragraphs [0008] and [0011] describe specific sesquiterpene alcohols as substantially odorless, and Zaunbrecher et al. describes some of the same compounds being used as air freshener compounds and fragrance materials, those of ordinary skill in the art would immediately recognize that the sesquiterpene alcohol compositions are of a sufficient purity to have no detectable odor (e.g. are substantially odorless).

The specific use of cedrol is described in paragraph [0011] (claim 21)

Specific sesquiterpene alcohols are described in paragraph [0011] and vaporization of the sesquiterpene alcohol to a concentration of 0.01 to 100 ppb in air is described in paragraph [0015] (claim 23).

The specific sesquiterpene alcohols of cedrol, cedrenol, globulol are described in paragraph [0011] (claim 24).

The use of substantially odorless sesquiterpene alcohols is described in paragraph [0008] (claim 25).

In view of applicants' identification of the specific portions of applicants' priority document which support a written description of the claimed invention, applicants respectfully request the full benefit to priority to applicants' JP priority document JP 2000-38260.

As applicants have claimed the benefit to priority of February 10, 2000, a date which is earlier in time than June 30, 2000 Surburg et al. is not available as a reference against the claimed invention and accordingly, withdrawal of the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) is respectfully requested.

Not only is Surburg et al. unavailable as prior art against the claimed invention, but the reference fails to suggest a vaporization system comprising a composition consisting essentially of cedrol having a purity having no odor above a detectable threshold.

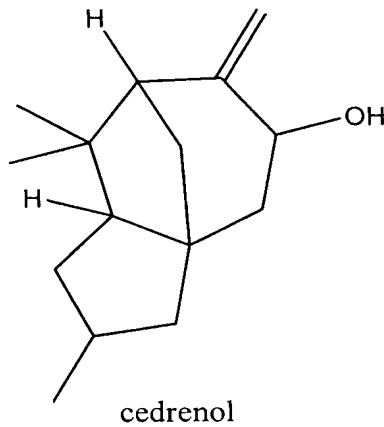
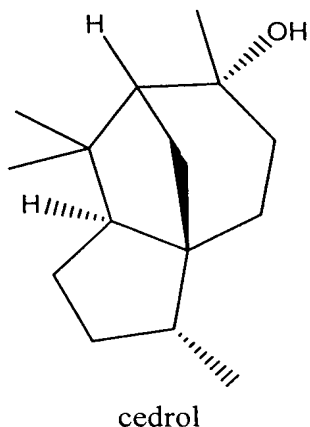
None of the cited references disclose or suggest a vaporization system comprising a composition containing a sesquiterpene alcohol, in which the composition is of a purity having no odor above a detectable threshold.

Surburg et al. has been cited for the disclosure at column 3, line 1 and column 6, lines 2 of compounds which are anticipated by the examiner as having no detectable odor (page 3 of official action).

Contrary to the official action, there is no disclosure in Surburg et al. to suggest cedrol or cedrenol containing compositions having no odor above a detectable threshold.

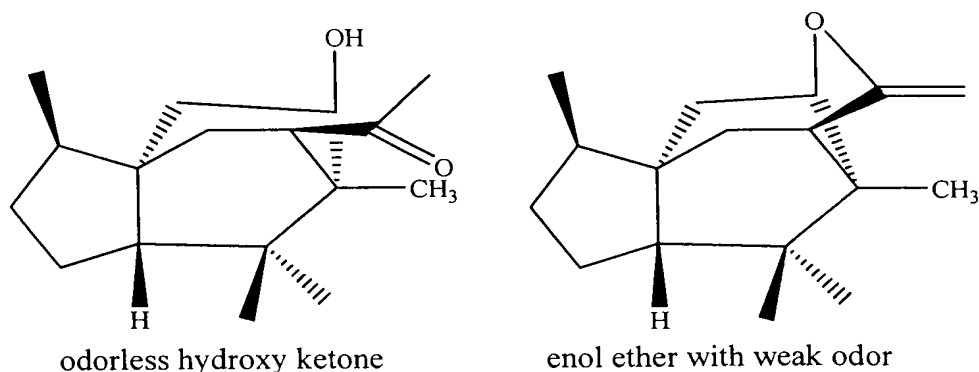
As noted during the discussion with the examiner, Surburg et al. fails to suggest either cedrol or cedrenol containing compositions having no odor above a detectable threshold.

The structures of cedrol and cedrenol are as follows:



These compounds bear a bridged bicycle [3,2,1] system and a single hydroxyl group.

Surburg et al. describes a hydroxyl ketone, which is **derived from α -cedrene** the hydroxyl ketone being odorless in pure form and an enol ether thereof which has a weak odor which is reminiscent of the sesquiterpene hydrocarbon fraction of cedarwood oil (column 3, lines 1-4). Neither of these compounds are cedrol or cedrenol.



Neither the hydroxy ketone nor the enol ether are suggestive of the structures of either cedrol or cedrenol. To the contrary, each of the hydroxyl ketone and enol ether have a bridged bicycle [2,2,2] ring system and two oxygen atoms as compared with the single oxygen atom of cedrol and cedrenol. Accordingly, any description of the hydroxyl ketone having no odor in pure form is not suggestive of a composition containing cedrol or cedrenol having no odor above a detectable threshold. Accordingly neither the hydroxyl ketone nor the enol ether suggest the claimed vaporization system.

The reference further describes that each of the hydroxyl ketone and enol ether may be converted to a novel tetracyclic acetal, which are suitable as **fragrances**, which can be used in perfuming (column 2, lines 5-6 and column 3, lines 5-46). The acetal fragrances may be combined with **other fragrances** (column 4, lines 14-16) of which cedrol is described (column 6, line 2). Thus, the reference **does not suggest** combining the acetal fragrance with a cedrol composition which **does not have an odor** above detectable threshold, but rather

describes using cedrol of a purity such that the cedrol has **a separate detectable odor which can function as a fragrance**. Clearly there is no suggestion of a composition containing cedrol which does not have an odor above a detectable threshold as the cedrol of the reference is used because it has an odor above a detectable odor. None the less, in order to further clarify the claimed invention in terms of the sesquiterpene containing composition being of a purity having no odor above a detectable threshold, applicants have amended to claims to recite that the composition is “consisting essentially of” a sesquiterpene alcohol...” to exclude the presence of compounds in the sesquiterpene alcohol which would not have “no odor above a detectable threshold” as such odorous compounds would be inconsistent with the basic and novel features of the claimed vaporization system in which vaporization does not produce a detectable odor.

Zaunbrecher et al. have been cited merely to describe the use of cedrol in an air freshener candle. However, the references cites to the use of cedrol as **a fragrance material** (column 3, lines 34-37) and would have a detectable odor, such that there is no suggestion of a cedrol containing composition which does not have an odor above a detectable threshold.

As the cited references fail to disclose or suggest a vaporization system in which a composition consists essentially of specific sesquiterpene alcohols, the composition being of sufficient purity so as to have no odor above a detectable threshold, the claimed invention is neither anticipated nor rendered obvious over the cited references and accordingly, withdrawal of the rejections under 35 U.S.C §102(b) and 35 U.S.C. §102(a) is respectfully requested.

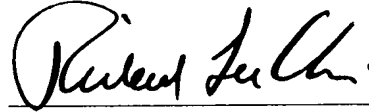
Applicants submit that this application is now in condition for allowance and early identification of such action is earnestly solicited.

Respectfully submitted,

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

A handwritten signature in black ink, appearing to read "Richard L. Chinn", is written over a horizontal line.

Richard L. Chinn, Ph.D.
Registration No. 34,305

NFO:RLC\rlc